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10/032,020

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Greg Hecht

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EXAMINER

RAMAN, USHA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/032,020

Applicant(s)

HECHT ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4-16-07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Miscellaneous***

1. Please note that the examiner of record has changed.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 16<sup>th</sup>, 2007 has been entered.

### ***Response to Arguments***

3. Applicant's arguments filed in the 04/16/2008 Remarks have been fully considered but they are not persuasive. Applicant argues that, "Proehl does not describe how his various applications or routines interface with those databases". Examiner however notes that, while Proehl discloses a software for controlling access and playback of a plurality of data associated with the databases, the claim does not requires the in-dept details of "how the various applications or routines interface with those database". Proehl's disclosure remains sufficient enough for reading on applicant's broadly claimed language. Furthermore, while applicant has nominally stated the words "uniform and generic" formats, the exact meaning and scope cannot be ascertained from applicant's disclosure. As best understood, the claim has been interpreted as being "uniform and generic" because the same application

is be used to dynamically control GUI to access and control data associated with a plurality of incompatible databases. As a result, rejection is maintained.

***Claim Objections***

4. Claim 24 is objected to because of the following informalities: Claim 24 recites the limitation, "said consistent data format", however there is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (US 6,690,391 B1).

Regarding claims 1 and 14, Proehl teaches an interface (software) for linking one or more entertainment media applications (GUI) to a plurality of databases (42a-42n; 48; 52a-52n – fig. 3), wherein at least two of the plurality of databases contain incompatible data concerning entertainment media content (television database, music download database, CD track lists, etc., each contain information regarding a different type of media, and therefore read on the claimed database containing "incompatible" data, see column 5, lines 25-36), the interface comprising:

A plurality of nodes (hierarchical navigable fields, see abstract, "Related AV information is organized as items within lists that correspond to various navigable fields of a status bare of the GUI during the interactive mode") to retrieve data from one or more databases and provide the data to the application (column 5, lines 20-24, column 8, lines 60-66, user selects a particular track from the navigable fields, causing playback of the data, and hence retrieval of data from the databases),

One or more services (AV device controls in interactive mode such as play, stop, fast forward, etc.) to perform predefined actions (performing the device control function) associated with the nodes (column 9, lines 1-15).

Each of the hierarchical navigable fields (such as CD, album, track listing) provide a selectable access to data from the databases (column 5, lines 20-24, column 8, lines 60-66), and the AV device controls provides various playback control features that can be performed on the selected data. Accordingly, the hierarchical navigable field provides a logical interface between services (playback controls) and data in databases. Proehl further discloses that GUI enables the user to play a plurality of data from any of the sources (see column 5, lines 40-44). Accordingly the user is presented with one GUI that enables user to view all available data, regardless of their sources, and perform playback control on any of the data, thereby providing a uniform and generic service format with respect to plurality of databases

At least one of the nodes (e.g. a particular CD track) is associated with several different services (play, stop, eject, etc. see column 9, lines 1-15) and at least one of the services is associated with several different nodes (i.e. play, stop,

effect, service can be applied to other tracks of the CD or another CD for effecting predefined actions).

With further regards to claim 14, Proehl discloses the step of providing data from a plurality of non-uniform databases, such as television database, music download database, CD track lists, etc. (see column 5, lines 25-36). The plurality navigable fields that provides access to each of the databases (i.e. the "left" most navigable field) reads on the first data interface providing access to data in a first database and the second data interface providing interface to data in a second database. See figures 5, 10, 15, and 17.

Regarding claims 2, 3, 15, 16, 21, 24 Proehl teaches wherein one of the applications is a GUI/API comprising a menu navigation hierarchy for navigating a through a plurality of multimedia content (available multimedia content, e.g., movies, CDs, etc.) and associated information (information about the application or status of the selected application) (50, 62 – fig. 3; col. 3, lines 1-30; col. 6, lines 28-30 & lines 49-58; col. 7, lines 3-4; col. 5, lines 65-col. 6, line 7).

Regarding claims 4 and 5, Proehl teaches an individual node is associated with each menu item in the menu item hierarchy (the individual servers provide the guide data for the menu items displayed; col. 5, lines 21-25, 31-35, 40-50; col. 13, lines 53-58; col. 11, lines 15-17; fig. 5; fig. 10).

Regarding claim 6, Proehl teaches certain menu items in the hierarchy have sub-menu items associated therewith (col. 3, lines 30-35; col. 7, lines 42-46), and wherein each parent node (e.g. CD option, VCR option, Shopping option, TV option,

see fig. 7 and column 9, lines 24-28) associated with the certain menu items identify children nodes (sub-category listings, see figure 5, 10, 15, and 17 and column 9, lines 42-50) associated with each of the sub-menu items when the certain menu items are selected by a user.

Regarding claims 7, 8, and 20, Proehl teaches a first type of nodes retrieves data from the first type of database that is an EPG database (see figure 10, column 5, lines 32-35) and the second type is a CD database (see figure 7, col. 5, lines 43-54; col. 6, lines 51-54)

Regarding claim 9, Proehl teaches an EPG database is transmitted over a live EPG feed from a cable provider (col. 5, lines 33-35, lines 43-47; col. 9, lines 65-67; in which a cable TV data source, e.g., a cable provider, provides the EPG data in the live feed using the VBI or a digital side band for example).

Regarding claim 10, Proehl teaches the one of the nodes is a VCR, wherein all of the device controls are managed through the GUI. See column 5, lines 42-50 and figure 19, step '650'. Accordingly, it is noted that a VCR can record and/or playback multimedia broadcasts.

Regarding claim 11, Proehl teaches one service is a "tune to channel" service associated with all nodes (TV node, channel nodes, see figures 8, 9 and 11) containing information related to live multimedia broadcasts (upon selection of a particular channel, the channel is tuned to, see column 9, lines 63-67).

With regards to claim 12, each individual node (sub-category node) maybe generated by highlighting the menu item (parent category node) associated with the

node and generating an "action" (selection) command (see column 9, lines 42-43, a TV option 216 is selected, and another vertical navigable field associated with the TV option is listed, see column 9, lines 45-50.

Regarding claim 13, Proehl teaches one of the nodes is configured to retrieve Internet data (col. 11, lines 15-18).

Regarding claim 17, Proehl teaches a first service (e.g. selection of a parent node for selection of a device) is associated with both the first and second data interface objects (i.e. navigational list of 'devices' see figure 7)

Regarding claim 18, Proehl teaches a second service associated with only one of the first and second data interface objects (e.g., 'channel' navigational list is available only for TV node and not for a CD node, see figures 6, 9, and 10).

Regarding claim 19, Proehl teaches the first service is a search service (the EPG service enables searching/navigating of information via the GUI) allowing a user to search for data related to the first and/or second data object (col. 5, lines 32-36, lines 51-53; col. 4, lines 21-24; col. 3, lines 1-9).

Regarding claim 22 it is rejected with respect to claims 3, 4, and 5 as discussed above.

Claim 23 is rejected with respect to claims 1 and 7, as discussed above.

Regarding claims 25 and 26, a Proehl teaches a service layer comprised of a plurality of service objects (playback control interfaces) adapted to be performed on the nodes (e.g. CD track), wherein a single service object (e.g. play operator) may




perform actions for a plurality of nodes (plurality of CD tracks can have the 'play' option). See figure 6.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER

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